

REMARKS/ARGUMENTS

Claims 1-3 and 5-10 are pending in this application. Of these pending claims, Claims 1-3 and 5-10 stand rejected. By way of this paper, Claim 1 has been amended; Claims 3 and 5 have been cancelled.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Objections:

Claim 1 is objected to for lack of antecedent basis for "the data messages".

Claim Rejections under 35 USC § 112:

Claims 1-3 and 5-10 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claim 1 to recite "routing the data messages being transmitted by ~~from~~ the portable devices" to refer to the earlier recitation of this term in the first claim element.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-3 and 5-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones, U.S. Publication No. 2001/0032335 ("Jones"), in view of Beeman et al. U.S. Publication No. 2003/0039410 ("Beeman").

With respect to the Examiner's reading of Jones and Beeman, it appears that the Examiner makes a hindsight reconstruction of the invention using alternatively features found in Jones and in Beeman. Jones discloses a method for sharing images among a plurality of registered users while Beeman discloses image annotation, image storage and image retrieval techniques.

At page 6 second paragraph of the office action the examiner refers to paragraphs [0088] and [0127-0128] in Jones and to paragraphs [0034-0036] and Figures 1, 4 and 5 in Beeman for the telecommunication operator providing the first and second event data. It is not understood how the Examiner derives that teaching from these documents.

To the contrary, it appears that annotations, marks, manipulations, keywords and other features are either provided by the user or obtained by an image analysis algorithm. In Beeman an image analysis algorithm, element 314 in [0036], is run on a computing device used to store the images. So it is believed that neither Jones nor Beeman teach the feature of the telecommunication operator providing any kind of data.

Claim 1 is amended to recite that both the first and the second event data include the date and the location of transmission of the data message/request message. This amendment is supported in the description at page 4, lines 23-26.

It should be stressed that the event data (date/location) are neither related to the image content nor to the capture date/location of the images. While capture and transmission are likely to be more or less concomitant, the date and location of transmission of a data message is not derived from, nor related to, the date and place of capture of an image. Further, the event data is not derived from nor related to image data or semantic content.

In the same way, the date/location of a data request is not linked to the date and place of capture of an image the data request may bear on. So the date/location of the event data are neither related to an image nor input by a user.

Jones and Beeman both fail to teach the use of event data in the form of date/location of transmission of the data messages/request messages. Jones and Beeman further fail to teach that this type of event data is being supplied by the telecommunication operator, i.e. the telephone operator or the operator of the communication network used to convey the messages between the users and the server running the sharing method.

Starting from Jones, or possibly from Beeman, a person skilled in the art may have used the time and the place where an image was captured. Even though one could arbitrarily call the time and place of capture “event data”, this is not what is claimed.

The invention relies on a comparison of a transmission time/place of data messages and data requests. This matching in time and space of an intent to share images and intent to get images is different from a matching of metadata inferred from image contents or image capture conditions.

It is additionally noted that a person skilled in the art starting either from Jones or from Beeman would have had no reason to limit, in terms of time and space of transmission of an image request, the access to the requested image.

In Jones and Beeman, once user access is checked and once a desired image is located, there is no reason not to retrieve the image for the user or not to send the retrieved image to the user. The person skilled in the art would therefore have been rather deterred from matching transmission time/place of image data with transmission time/place of requests. Further, a limitation of image retrieval or communication based on such criteria would have appeared as needless and prejudicial in the context of Jones and Beeman.

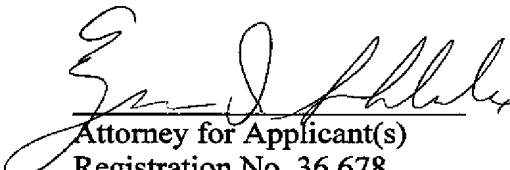
The invention as defined by amended claim 1 and by the dependent claims is therefore believed not to be obvious.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.